

1 SPENCER HOSIE (CA Bar No. 101777)  
shosie@hosielaw.com  
2 BRUCE WECKER (CA Bar No. 078530)  
bwecker@hosielaw.com  
3 GEORGE F. BISHOP (CA Bar No. 89205)  
gbishop@hosielaw.com  
4 HOSIE RICE LLP  
One Market, 22nd Floor  
5 San Francisco, CA 94105  
(415) 247-6000 Tel.  
(415) 247-6001 Fax

7 Attorneys for Plaintiff CLOAKWORKS, INC.

8 MARK D. SELWYN (CA Bar No. 244180)  
9 ELIZABETH ROGERS BRANNEN (CA Bar No. 226234)  
JESSICA L. SCHEPPMANN (CA Bar No. 239526)  
10 WILMER CUTLER PICKERING  
HALE AND DORR LLP  
11 1117 California Avenue  
Palo Alto, California 94304  
12 Telephone: (650) 858-6000  
Facsimile: (650) 858-6100  
Email: mark.selwyn@wilmerhale.com  
Email: elizabeth.brannen@wilmerhale.com

14 Attorneys for Defendant CLOAKWARE INC.

15 UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 CLOAKWORKS, INC.,

19 Plaintiff,

20 v.

21 CLOAKWARE, INC. and MICROSOFT  
22 CORPORATION,

23 Defendants.

24 Case No. CV 08-02044 WHA

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27  
28 **STIPULATION AND [PROPOSED]  
ORDER CONTINUING DEADLINE TO  
SERVE INVALIDITY CONTENTIONS  
AND TO COMPLETE PATENT L.R. 3-4  
PRODUCTION BY ONE WEEK**

STIPULATION AND [PROPOSED] ORDER CONTINUING  
DEADLINE TO SERVE INVALIDITY CONTENTIONS AND  
TO COMPLETE PATENT L.R. 3-4 PRODUCTION

1 Plaintiff Cloakworks, Inc. ("Cloakworks" or "Plaintiff") and Defendant Cloakware Inc.  
 2 ("Cloakware" or "Defendant") hereby stipulate through their respective counsel of record as  
 3 follows:

4 WHEREAS, on October 9, 2008, the parties submitted a Joint Case Management  
 5 Statement and [Proposed] Order [Document No. 41] in which they agreed that Cloakware's  
 6 Invalidity Contentions pursuant to Patent L.R. 3-3 would be due on December 1, 2008, and that  
 7 Cloakware would complete its accompanying document production pursuant to Patent L.R. 3-4  
 8 by December 1, 2008;

9 WHEREAS, the parties are engaged in intensive, good faith settlement negotiations that  
 10 may resolve the litigation within the next week;

11 WHEREAS, the parties mutually desire to focus their efforts on settlement negotiations  
 12 in the next week, rather than requiring Cloakware to incur the additional litigation costs that  
 13 would result from finalizing its Invalidity Contentions and accompanying document production  
 14 by December 1, 2008;

15 WHEREAS, the Thanksgiving holiday is this week, and the travel schedules of the  
 16 attorneys is an additional basis on which the parties jointly seek a brief extension of the  
 17 deadlines for Cloakware to serve its Invalidity Contentions pursuant to Patent L.R. 3-3 and to  
 18 complete its accompanying document production pursuant to Patent L.R. 3-4;

19 WHEREAS, in light of the foregoing factors, the parties jointly request that the Court  
 20 allow a brief, one week extension to December 8, 2008 of the deadlines for Cloakware to serve  
 21 its Invalidity Contentions pursuant to Patent L.R. 3-3 and to its accompanying document  
 22 production pursuant to Patent L.R. 3-4;

23 WHEREAS, the requested one-week extension will not affect any of the other deadlines  
 24 in this case, including those deadlines set by the Court's October 16, 2008 Case Management  
 25 Order [Document No. 43] or the deadlines set by the Order Re Schedule for Claim Construction  
 26 [Document No. 52]; and

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28 STIPULATION AND [PROPOSED] ORDER CONTINUING  
 DEADLINE TO SERVE INVALIDITY CONTENTIONS AND  
 TO COMPLETE PATENT L.R. 3-4 PRODUCTION

1 WHEREAS, the parties have also agreed to mutual one-week extensions of time in  
2 which to respond to outstanding written discovery, such that the deadline for Cloakworks to  
3 respond to Cloakware's Second Set of Interrogatories is extended to December 3, 2008, and the  
4 deadline for Cloakware to respond to Cloakworks' First Set of Interrogatories is extended to  
5 December 15, 2008;

6 NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate  
7 and jointly respectfully request that the Court enter the accompanying [Proposed] Order  
8 extending by one week to December 8, 2008 the deadlines for Cloakware to serve its Invalidity  
9 Contentions pursuant to Patent L.R. 3-3 and to complete its accompanying document production  
10 pursuant to Patent L.R. 3-4.

## IT IS SO STIPULATED

Dated: November 24, 2008

WILMER CUTLER PICKERING HALE  
AND DORR LLP

By: /s/ Elizabeth Rogers Brannen  
Elizabeth Rogers Brannen

Attorneys for Defendant Cloakware, Inc.

Dated: November 24, 2008

HOSIE RICE LLP

By: /s/ George F. Bishop  
George F. Bishop

*Attorneys for Plaintiff Cloakworks, Inc.*

**STIPULATION AND [PROPOSED] ORDER CONTINUING  
DEADLINE TO SERVE INVALIDITY CONTENTIONS AND  
TO COMPLETE PATENT L.R. 3-4 PRODUCTION**

1 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic  
2 filing of this document has been obtained from the other signatories.

3 DATED: November 24, 2008

4 By: /s/ Elizabeth Rogers Brannen

5 Elizabeth Rogers Brannen

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28 STIPULATION AND [PROPOSED] ORDER CONTINUING  
DEADLINE TO SERVE INVALIDITY CONTENTIONS AND  
TO COMPLETE PATENT L.R. 3-4 PRODUCTION

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Case No. CV-08-02044 WHA